

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

**PATRICK BERNARD INGRAM,**  
**TDCJ #1669001,**  
Plaintiff,

v.

**LORIE DAVIS-DIRECTOR TDCJ-CID;**  
**LEE DOWNING; and NFN NLN,**  
Defendants.

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Civil Action No. **3:19-CV-1858-L**

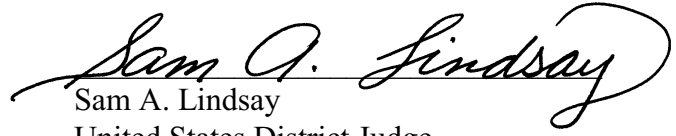
**ORDER**

On August 30, 2019, the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) (Doc. 9) was entered, recommending that this action be dismissed with prejudice for failure to state any claims upon which relief may be granted. The magistrate judge also recommended that Plaintiff not be allowed to replead his claims, as doing so would be futile. No objections to the Report were filed. Plaintiff, however, did file a motion to proceed *in forma pauperis* on September 9, 2019 (Doc. 10).

Having reviewed the pleadings, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, and **accepts** them as those of the court. Accordingly, the court **dismisses with prejudice** this action for failure to state a claim on which relief may be granted, and it will not allow Plaintiff to replead his claims, as doing so would be futile for the reasons explained in the Report and would also unnecessarily delay the resolution of this litigation. In light of the court’s ruling, it also **denies as moot** Plaintiff’s motion to proceed *in forma pauperis* (Doc. 10).

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and n.21 (5th Cir. 1997). Based on the Report, the court **concludes** that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

**It is so ordered** this 31st day of October, 2019.

  
Sam A. Lindsay  
United States District Judge